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EXAMINER	
GELIN, JEAN ALLAND	
ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/965,232	WALKER ET AL.	
	Examiner	Art Unit	
	Jean A. Gelin	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-54* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the Applicant's amendments and arguments file on September 05, 2006 in which claims 1, 17, 28, and 44 have been amended. Claims 1-54 are currently pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-16 and 28-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 28, the phrase " and which output data for on the handset on the output unit display" is vague and indefinite.

Regarding to claims 1 and 28, the phrase "capable of", in lines 8 and 9 respectively, renders the scope of the claim vague and indefinite.

It has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense.

Claims 2-16 and 27-43 are also rejected because they depend from claims 1 and 28, and contain the same deficiency.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 2, 7-9, 10-16, 28, 29, 34-36 and 37-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. (US 2002/0032048A1) in view of Yearwood et al. (US 2001/0035683).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 7-16, 28-30, and 34-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitao et al. (US 2002/0032048) in view of Yearwood et al.

Regarding claim 1, Kitao discloses an in-vehicle wireless communication system handset controller (105, figure 2) comprising a central processing unit (205, fig. 3), an interface to a location information processing unit (202a is a wireless interface capable to receive update via the handset, figure 3), the location information processing being connected to a wireless communication system handset (202a is connected to 202b), wherein, through the wireless communication system handset, the location information unit accesses a network (i.e., the video phone 106 typically can access different network (base stations), inherently the instrument panel (105) can access the different

networks via phone 106 when 106 is within the range of 105, and the 105 emulates 106 for handsfree purpose, [0045]-[0051]) and wherein the location information processing unit and the central processing unit are each capable of taking control of the wireless communication handset (i.e., by emulating the video phone, the car devices serve the functions of terminal 106, [0050]-[0051]); an input unit comprising data input keys (i.e., control buttons 203, as can be seen in fig. 2, computer 105 is larger than mobile 106, input keys of 105 should be larger than input keys of 106); an output unit (210, figure 3) comprising a display larger than the handset and displayed message text larger than the handset (fig. 7), while the handset is operational coupled to the handset controller to decide when to connect a call to a wireless for communication [0067]-[0070] and while the central processing has control of the handset the central processing unit executes instructions which allow the keys of the input unit to be used to provide input data to the handset, and which output data to be display on the handset on the display of the output unit (i.e., when the terminal 106 is in the vehicle, driver uses instrument panel 105 to make phone call, retrieves information from the terminal 106, and displays the information without physically touching the terminal 106 [0067]-[0077]).

Kitao does not specifically teaches the location information unit accesses a wide area computer network, and an input unit comprising data input keys larger than keys on keypad of the handset.

However, the preceding limitations are known in the art of communications. Katio clearly show the instrumental panel 105 alone can be used to transmit information via the antenna of the mobile phone 106. in the same field of endeavor, Yearwood (fig. 1)

also teaches a wireless telephone (9) to provide communication to user of the portable computer (1). The computer comprises a convention keyboard ([0024]), E-mail, facsimile, and Internet browser programs to pick up messages, as well as useful information such as traffic reports while in transit; the computer further comprises a larger and more legible display screen than a mobile telephone to display to display text messages [0033]. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Yearwood within the system of Kitao in order to provide an effective and powerful vehicle-mounted information management system, integrating a conventional portable computing means with control, display, and communication means to permit a user to carry out a wide range of functions important for business and travel while present in his vehicle and isolated from conventional office facilities ([0041]).

Regarding claims 2, 29, Kitao teaches a car navigation system can be built in the instrument panel 105, but Kitao fails to specifically teach a global positioning system chipset coupled to the central processing unit.

However, the preceding limitation is known in the art of communications. Yearwood teaches GPS unit as an aid to vehicle navigation system. therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the GPS unit taught by Yearwood within the system of Kitao in order to provide user the ability to integrate GPS data and pan routes in real-time.

Regarding claims 3, 30, Kitao in view of Yearwood teaches all the limitations above. Yearwood further teaches short message service messages being input via the

input unit and output through the output unit (i.e., wide range of software programs may be advantageously employed on the portable computer, such as E-mail which can be a short service message [0033]), in order to permit a user to carry out a wide range of functions important while present in his vehicle and isolated from conventional office facilities ([0041]).

Regarding claim 7, Kitao in view of Yearwood teaches all the limitation above. Kitao further teaches the data input keys on the screen for entering data ([0070]). Thus, one skill in the art would recognize that the data input keys are backlighted.

Regarding claim 8, Kitao in view of Yearwood teaches all the limitation above. Yearwood further teaches to provide the number of data input keys (paragraph 24).

Regarding claim 9, Kitao in view of Yearwood teaches all the limitation above. Kitao further teaches to provide the display for making an easy-to-operate ((0013) through ([0015]). Thus, one skill in the art would recognize that the display is backlighted.

Regarding claims 10, 37, Kitao in view of Yearwood teaches all the limitation above. Yearwood further teaches the display comprising a heads-up display positioned such that a driver of the vehicle sees a displayed image while looking through a windshield of the vehicle (paragraphs 21-22).

Regarding claim 11, Kitao in view of Yearwood teaches all the limitation above. Kitao further teaches the controller (105, fig. 2) being arranged to be viewable by the driver and having a movable display (210, figure 3) so that the controller is rigidly

positioned in the interior of the vehicle to allow a driver of the vehicle to view messages on the display and to operate the data input keys while seated in a driver's seat ([0049]).

Regarding claims 12-13, Kitao in view of Yearwood teaches all the limitation above. Kitao further teaches an audio recognition process unit being included in the controller and the operation being input according to the sounds that are input with the microphone ((01622) so that one skill in the art would recognize Kitao teaches a voice command input unit coupled to allow the user to cause the handset to dial a telephone number and to manage messages received by the handset and a voice synthesizer unit coupled to audibly output a message received by the handset. Yearwood further teaches a voice command in paragraph 32.

Regarding claims 14-15, Kitao in view of Yearwood teaches all the limitation above. Kitao further discloses the controller (105, figure 3) being coupled to the handset (106, fig. 3) via a wireless communication link (107, figure 3), wherein the handset is a cellular telephone handset ([0050]).

Regarding claims 16, 43, Kitao in view of Yearwood teaches all the limitation above. Yearwood further discloses a power supply coupled to charge a battery in the handset (paragraph 28).

Regarding claim 28, the limitations of the claim are rejected as the same reasons set forth in clairn 1.

Regarding claim 34, the limitations of the claim are rejected as the same reasons set forth in clairn 7.

Regarding claim 35, the limitations of the claim are rejected as the same reasons set forth in claim 8.

Regarding claim 36, the limitations of the claim are rejected ms the snme remsons set forth in clairn 9.

Regarding claim 38, the limitations of the claim are rejected as the same reasons set forth in claim 11.

Regarding claims 39-40, the limitations of the claims are rejected as the same reasons set forth in claims 12-13.

Regarding claims 41-42, the limitations of the claims are rejected as the same reasons set forth in claims 14-15.

8. Claims 4-6, 17-24, 27, 31-33, 44-51, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. (US 2002/0032048A1, hereinafter Kitao) in view of Yearwood further in view of Hayashi et al. (JP 10291446A hereinafter Hayashi).

Regarding claims 4-6, Katio in view of Yearwood differs from the claimed invention in not specifically teaching to output a warning to a user if the handset is not coupled to the handset controller and an engine of the vehicle is started or begins to move. However, Hayashi teaches a telephone system comprising a warning unit generating warning based on the connection state of a portable telephone mounted in a vehicle and the vehicle state in order to inform the connection status to a user, thereby making user friendly (abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Katio and Yearwood in outputting a warning to a user if the handset is not coupled to the handset

controller depending on the vehicle operating state, as per teaching of Hayashi, in order to inform the connection status to a user, thereby making user friendly.

Regarding claim 17, Katio in view of Yearwood discloses all the limitations as recited in claim 1 above except outputting a warning if the handset is not operationally coupled to the controller.

However, Hayashi teaches a telephone system comprising a warning unit generating warning based on the connection state of a portable telephone mounted in. a vehicle and the vehicle state in order to inform the connection status to a user, thereby making user friendly (abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kitao and Yearwood in outputting a warning to a user if the handset is not coupled to the handset controller, as per teaching of Hayashi, in order to inform the connection status to a user, thereby making user friendly.

Regarding claims 18-19, the limitations of the claims are rejected as the same reasons set forth in claims 4-6.

Regarding claim 20, Kitao in view of Yearwood further in view of Hayashi teaches the data input keys on the screen for entering data ([0070]). Thus, one skill in the art would recognize the controller comprising backlighted keys.

Regarding claims 21, 48, Kitao in view of Yearwood further in view of Hayashi teaches all the limitation above. Kitao further teaches backlighting a display outputting larger message text characters (fig. 7).

Regarding claims 22, 49, Kitao in view of Yearwood further in view of Hayashi teaches all the limitation above. Kitao further teaches the display comprising a heads-up display positioned such that a driver of the vehicle sees a displayed image while looking through a windshield of the vehicle (fig. 7).

Regarding claims 23, 50, Kitao in view of Yearwood further in view of Hayashi teaches all the limitation above. Kitao further teaches an audio recognition process unit being included in the controller and the operation being input according to the sounds that are input with the microphone ([0162]) so that one skill in the art would recognize Kitao teaches the step of enabling a voice interface on the handset controller to control the operations of the handset while the handset is operationally coupled to the handset controller.

Regarding claims 24, 51, Kitao in view of Yearwood further in view of Hayashi teaches all the limitation above. Yearwood further discloses a power supply coupled to charge a battery in the handset (paragraph 28).

Regarding claims 27, 54, Kitao in view of Yearwood further in view of Hayashi teaches all the limitation above. Kitao further teaches the invention being desired for use in the in-car environment ([0014]) so that one skill in the art would recognize one of the received messages being a cargo pickup or delivery instruction to a driver of the vehicle.

Regarding claims 31-33, the limitations of the claims are rejected as the same reasons set forth in claims 4-6.

Regarding 44, the limitations of the claim are rejected as the same reasons set forth in claim 17.

Regarding claims 45-46, the limitations of the claims are rejected as the same reasons set forth in claims 4-6.

Regarding claim 47, the limitations of the claim are rejected as the same reasons set forth in claim 20.

9. Claims 25-26, and 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. and Yearwood et al in view of Hayashi et al. (JP 10291446A hereinafter Hayashi) further in view of Treyz et al.

Regarding claims 25 and 52, Kitao, Yearwood, and Hayashi teaches all the limitation above except determining a geographic position of the vehicle and sending the determined position to a computer in order to make user friendly by providing location information to a user via the navigation system. However, the preceding limitation is known in the art of communications. Treyz teaches a in-vehicle wireless device having a GPS (112, fig . 3) coupled to a central processing unit (72, fig. 3) for receiving satellite signals, thereby making user friendly by providing location information to a user (col. 13, lines 66-67). Therefore, it would have been obvious to a person of ordinary skill in the art in the art at the time the invention was made to modify Kitao, Yearwood, and Hayashi in having the global positioning system chipset coupled to the central processing unit, as per teaching of Treyz, in order to make user friendly by providing location information to a user.

Regarding claims 26 and 53, the combination of Kitao, Yearwood, and Hayashi differs from the claimed invention in not specifically teaching the acts of receiving a plurality of messages, wherein each unique received message is formatted by a corresponding unique sender in one of a plurality of communication protocols, and identifying the communication protocol and format of each received message, and outputting each unique received message as formatted by each corresponding unique sender. However, Treyz discloses the automobile computer system capable of utilizing various formats to transmit and receive data (col. 12 lines 54-63). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Kitao, Yearwood, and Hayashi in having the acts of receiving a plurality of messages, wherein each unique received message is formatted by a corresponding unique sender in one of a plurality of communication protocols, and identifying the communication protocol and format of each received message, and outputting each unique received message as formatted by each corresponding unique sender, as per teaching of Treyz, in order to compatible with a plurality of communication protocols.

Response to Arguments

10. Applicant's arguments filed 09/05/2006 have been fully considered but they are not persuasive.

As per claims 1 and 28, the Applicant argues in substance that an interface to a location information processing unit, the location information processing unit being

connected to a wireless communication system handset, wherein, through the wireless communication system handset, the location information unit accesses a network and wherein the location information processing unit and the central processing unit are each capable of taking control of the wireless communication. More specifically, Yearwood GPS unit is not connected to the handset.

However, the Examiner disagrees with the preceding assertions. Claims 1 and 28 call for a location information processing unit which allows mobile communication device to receive and transmit information about its location (i.e., inherent feature in the wireless communication system for the purposes of handoff, roaming, billing and so on). In this case, the examiner maintains that any communication device (the wireless communication interface 202a) that receives and transmits information about location is equivalent to the location information processing. The claims are broad enough to read on a transceiver which can perform the function of location information processing unit, as mapped in the rejections above. The combination of Kitao and Yearwood above also discloses that a computer unit mounted in a vehicle can access the Internet through a portable telephone and driver can carry out a wide range of functions important while present in the vehicle. Furthermore, it is clear in figs. 4 and 5 of the current application that the processing unit 102 includes location unit 150 which is exactly as the vehicle navigation having a GPS is connected the computer in the vehicle illustrated in fig. 1 of Yearwood or Kitao. The rejection is maintained and is made final.

The Applicant further argues that claims 2, 3, 7-16, 29, 30, and 34-43 are allowable because they depend from claims 1 and 28. Given that claims 1 and 28 for

reasons recited above, therefore, claims 2, 3, 7-16, 29, 30, and 34-43 are rejected for the same reasons recited above.

The Applicant further argues that 4-6, and 31-33 are allowable because Kitao and Yearwood fails to disclose a location processing unit that accesses a wide area network through the handset, and Hiyashi fail to cure the deficiencies of Kitao and Yearwood. The Examiner disagrees with the preceding arguments, and maintains the same rejections and arguments as set forth above.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks-Harold Marsha can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin
November 4, 2006

JEAN GELIN
PRIMARY EXAMINER

Jean Helland Gelin